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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

KAIWEN CAI, ) No. C 07-4886 HRL

Plaintiff, )

v. )

MICHAEL B. MUKASEY,\* Attorney )  
General; MICHAEL CHERTOFF, )  
Secretary, Department of Homeland )  
Security; EMILIO GONZALEZ, Director, )  
United States Citizenship and Immigration )  
Services; CHRISTINA POULOS, Director, )  
USCIS California Service Center, )

Defendants. )

**NOTICE OF DEFENDANTS' MOTION  
TO SET ASIDE ENTRY OF DEFAULT;  
OPPOSITION TO PLAINTIFF'S  
MOTION FOR DEFAULT JUDGMENT**

Date: April 1, 2008  
Time: 10:00 a.m.

PLEASE TAKE NOTICE THAT on April 1, 2008, at 10:00 a.m., before the Honorable  
Howard R. Lloyd, Courtroom No. 2, 280 South First Street, San Jose, California 95113, Defendants  
Michael B. Mukasey, et al., by their attorneys, Joseph P. Russoniello, United States Attorney for the  
Northern District of California, and Melanie L. Proctor, Assistant United States Attorney, will move

<sup>1</sup>Defendants enter their appearance for the sole purpose of this motion, and reserve the right  
to assert all appropriate defenses in their responsive pleading. Defendants do not waive proper  
service.

\*Pursuant to Fed. R. Civ. P. 25(d)(1), Michael B. Mukasey is substituted for his predecessor,  
Alberto Gonzales, as the United States Attorney General.

MOTION TO VACATE DEFAULT  
07-4886 HRL

1 this Court for an order vacating the Clerk of the Court's entry of its default in this proceeding,  
2 pursuant to Fed. R. Civ. P. 55(c).

3 The motion will be based on this notice, the motion, the memorandum of points and  
4 authorities, and the declaration of Melanie L. Proctor filed in support of this motion.

5 Dated: February 22, 2008

Respectfully submitted,

6 JOSEPH P. RUSSONIELLO  
7 United States Attorney

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9 /S/  
10 MELANIE L. PROCTOR  
11 Assistant United States Attorney  
12 Attorneys for Defendants  
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27 \*Pursuant to Fed. R. Civ. P. 25(d)(1), Michael B. Mukasey is substituted for his predecessor,  
28 Alberto Gonzales, as the United States Attorney General.